



February 9, 1999

Mr. Thomas A. Bailey
Assistant City Attorney
City of San Antonio
P.O. Box 839966
San Antonio, Texas 78283-3966

OR99-0402

Dear Mr. Bailey:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 122135.

The City of San Antonio (the "city") received a request for documents submitted by the Fiesta Commission in connection with the Fiesta Carnival and parade concession contracts. You indicate that most of the responsive information has been released but that you withhold, pursuant to Government Code section 552.305, certain information the release of which implicates protected proprietary interests of third parties. Without taking a position, you seek our opinion in this regard and have submitted the subject information.

You indicate that release of the subject information implicates the interests of W.G. Wade Shows, Inc. and Alamo Attractions as joint bidders and those of Andy and Maria Centeno doing business as Austin Street Productions. By letter dated November 25, 1998, W.G. Wade Shows, Inc. authorized release of financial information, thereby disclaiming any exception to disclosure of that information. Pursuant to section 552.305 of the Government Code, this office notified Austin Street Productions, of the request and provided the opportunity to claim the exceptions to disclosure it may contend apply to the requested information, together with argument in support of applying those exceptions. *See Gov't Code § 552.305* (permitting interested third party to submit to attorney general reasons why requested information should not be released); Open Records Decision No. 542 (1990) (determining that statutory predecessor to Government Code section 552.305 permits governmental body to rely on interested third party to raise and explain applicability of exceptions in certain circumstances). The notification stated that if Austin Street Productions did not respond within fourteen days of receipt of the notice, this office will assume that the company has no privacy or property interest in the requested information. This company did

not respond to this notice. As Austin Street Productions has not raised an exception to the Open Records Act or established why any exception to disclosure applies to the requested information, we have no basis for determining such an exception. We conclude that the information must be released.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Yours very truly,

A handwritten signature in black ink, appearing to read "Michael Jay Burns".

Michael Jay Burns
Assistant Attorney General
Open Records Division

MJB/ch

Ref:: ID# 122135

Enclosures: Submitted documents

cc: Mr. Tom Bower
San Antonio Express News
P.O. Box 2171
San Antonio, Texas 78297
(w/o enclosures)